

REMARKS

In view of the foregoing amendments and following remarks, allowance of the application is respectfully requested.

Claims 1-29 have been examined and are allowed.

Applicants' attorney, Leslie Nguyen, would like to thank Examiner Burch for the courtesies extended during the telephonic interview conducted on April 19, 2006 regarding the drawing objections raised in the Office Action mailed March 3, 2006. An Interview Summary follows, after which the objections contained in the Office Action are addressed.

I. Interview Summary

On April 19, 2006, Applicants' attorney conducted a telephonic interview with Examiner Burch to discuss the Examiner's objections to the drawings. As set forth on pages 2-3 of the Office Action, the Examiner objected to Fig. 9 and the associated description, contending that these drawing figures and associated description added new matter to the application. The Examiner also objected to Figs. 3a-3e, 4a-4c, 5a-5i, 6a-6e, and 7a-7e for failing to label "floating, unlabeled numbers."

During the interview, Applicants' attorney requested the Examiner further elaborate on the objections to the drawings and provide suggestions for amending the drawings to expedite the allowance of the application in view of the Examiner's allowance of the application claims.

Regarding the Examiner's objection to the inclusion of Fig. 9 in the application, Applicants' attorney maintained that the elements depicted therein (*i.e.*, an EBS (including an EBS control unit 10), a means for determining actual deceleration 20, a brake pedal 30 (including a signal transmitter for desired brake values 40), brake actuators 50, 60, the wheel

speed sensors 70, 80 and axle load sensors 90, 100)) draw support directly from the claims as originally filed and inherently from the application as a whole – especially, given that such elements are conventional and are well-known to those of ordinary skill in the art. Applicants’ attorney also noted that Fig. 9 was added at the request of the Examiner.

The Examiner acknowledged that Fig. 9 was initially added at the Examiner’s request. The Examiner then suggested that Fig. 9 be amended to only include a “black box” diagram of the conventional EBS (i.e. removing the “picture of the truck” from Fig. 9).

Regarding the Examiner’s objection to Figs. 3a-3e, 4a-4c, 5a-5i, 6a-6e, and 7a-7e, the Examiner suggested that each and every element in these respective figures required labeling even though Applicants’ attorney noted that each element could be understood based on the previous labeling of the figures.

The Examiner indicated that if the foregoing amendments were made to Figs. 3a-3e, 4a-4c, 5a-5i, 6a-6e, 7a-7e and 9, the drawing objections would be withdrawn and the application would proceed to allowance.

II. Objections to Drawings and Specification

The Examiner has indicated that all of the application claims as filed (i.e., claims 1-29) are allowable in view of the prior art except for formal matters.

Applicants have replaced paragraph [0023] with new paragraph [0023] to refer to Figs. 1a-1c rather than just to “Fig. 1” since originally filed Fig. 1 has been replaced by Figs. 1a, 1b and 1c.

As suggested by the Examiner, Applicants have also replaced paragraph [0032.1] with new paragraph [0032.1] to delete the phrase “As will be appreciated by those of ordinary skill in the art, the vehicle EBS control unit 10 (Fig. 9) has the capability to effect such filtering.”

Applicants respectfully submit that the deleted phrase was merely clarifying language. As such filtering was already clear from the application specification and originally prosecuted as such, deletion of this phrase only serves to expeditiously place the application in condition for allowance, especially in view of the Examiner allowing the application claims and closing prosecution on the merits under *Ex parte Quayle*.

The Examiner raised various objections to the application drawings. For the reasons set forth below, Applicants respectfully submit that the drawing figures, as amended herein, are in compliance with 37 CFR 1.83(a) and 1.84(p)(5), and notice to this effect is respectfully requested.

In the Office Action, the Examiner stated that Fig. 9 should be deleted because it is not supported by the original disclosure. If Applicants were to delete Fig. 9, the Examiner required that the axle load sensors recited in claim 17 and the means for determining a set deceleration value, means for measuring actual deceleration and means for comparing the set and actual deceleration values as recited in claim 26 be shown in the drawing figures.

To address the Examiner's concerns and promote the application to early allowance, as depicted in the attached Replacement Sheets, Applicants have added new Fig. 9 to the drawings which, as suggested by the Examiner during the interview conducted on April 19, 2006, is a simplified "black box" diagram of a conventional tractor-trailer vehicle combination showing an EBS and including an EBS control unit 10 (which includes the capability of effecting filtering of the brake application energy reference value) and means for determining actual deceleration 20, a brake pedal 30, including a signal transmitter for desired brake values 40, brake actuators 50, 60 for the front and rear axles, respectively, wheel speed sensors 70, 80 and

axle load sensors 90, 100. Support for the addition of new Fig. 9 resides in at least claims 17 and 28. Accordingly, no new matter has been introduced.

The Examiner objected to the drawing sheet containing Figs. 1b and 1c for containing the phrases “Annotated Marked-up Drawing Sheet” and “New Figure Added”. Applicants have submitted a Replacement Sheet containing Figs. 1b and 1c to replace the prior drawing sheet. This Replacement Sheet has been amended to delete the phrases “Annotated Marked-up Drawing Sheet” and “New Figure Added” and to include “New Sheet” as requested by the Examiner. It is submitted that this Replacement Sheet is in compliance with 37 CFR 1.121(d).

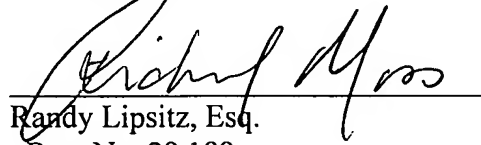
Applicants have also amended Figs. 3a-3e, 4a-4c, 5a-5i, 6a-6e, and 7a-7e to label each and every element in these respective figure according to the suggestions made by the Examiner during the interview conducted on April 19, 2006. The elements of the respective figures are fully supported by the original application specification. Accordingly, no new matter has been introduced.

In view of the foregoing, Applicants respectfully submit that the drawings as amended are in compliance with 37 CFR 1.83(a). Notice to this effect is respectfully requested.

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants’ undersigned attorneys at the telephone number set forth below if it will advance the allowance of this application.

A check in the amount of \$120.00 covering the fee for the Petition for a One Month Extension of Time submitted herewith is enclosed. Please charge any fee deficiency to Deposit Account No. 50-0540.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Moss", is written over a horizontal line.

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Amendments to the Drawings

The attached drawing sheets include changes to Figs. 3a-3e, 4a-4c, 5a-5i, 6a-6e, 7a-7e and 9. These drawing sheets replace the original Figs. 4a-4c, 5a-5i, 6a-6e and 7a-7e and the previously amended Figs. 3a-3e and 9. Figs. 3a-3e, 4a-4c, 5a-5i, 6a-6e, 7a-7e and 9 are fully supported by the specification and claims as originally filed. No new matter has been introduced.

New Figs. 3a-3e, 4a-4c, 5a-5i, 6a-6e, and 7a-7e include additional element labels as suggested by the Examiner.

New Fig. 9 is a simplified schematic diagram depicting a conventional EBS for a conventional tractor-trailer vehicle combination including an EBS control unit 10 and means for determining actual deceleration 20, a brake pedal 30, including a signal transmitter for desired brake values 40, brake actuators 50, 60 for the front and rear axles, respectively, wheel speed sensors 70, 80 and axle load sensors 90, 100. No new matter has been introduced.

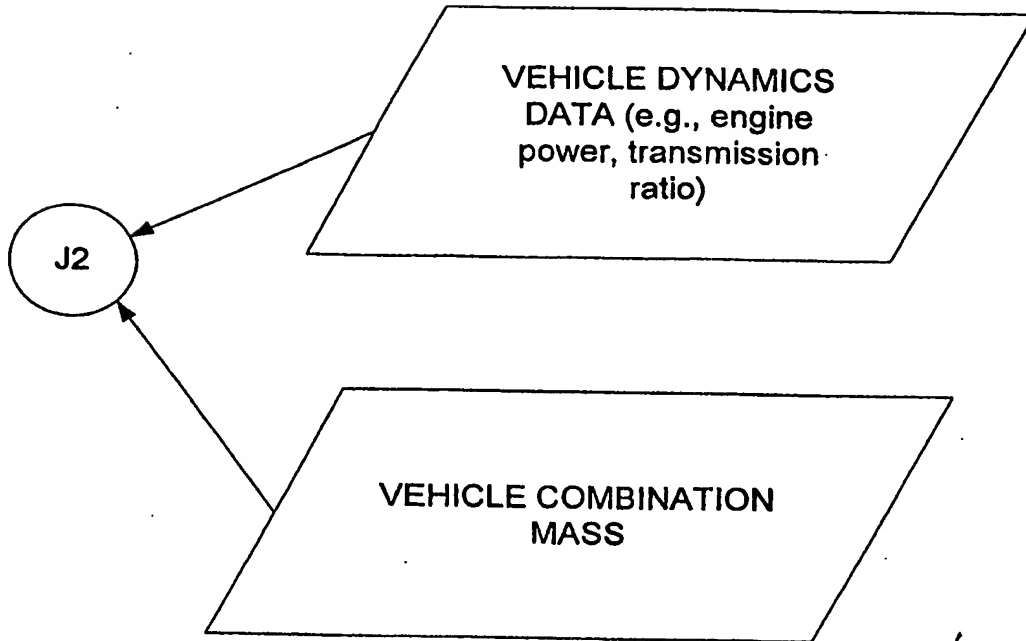
In addition, a Replacement Sheet containing Figs. 1b and 1c are submitted herewith. This Replacement Sheet replaces the phrases “Annotated Marked-up Drawing Sheet” and “New Figure Added” with “New Sheet” as suggested by the Examiner. No new matter has been introduced.

Attachments: Replacement Sheets (11)

Annotated Marked-Up Drawing Sheets (11)

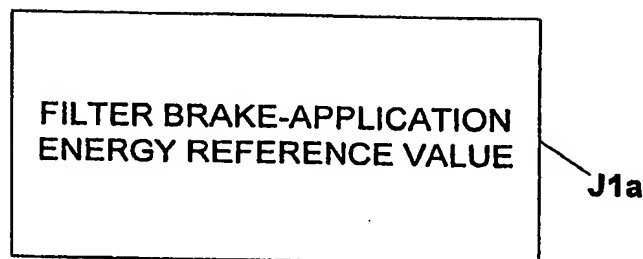


FIG. 1b

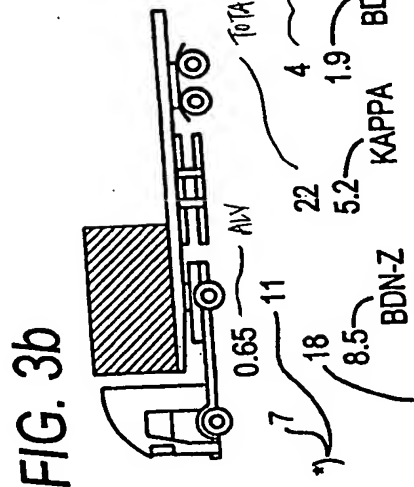
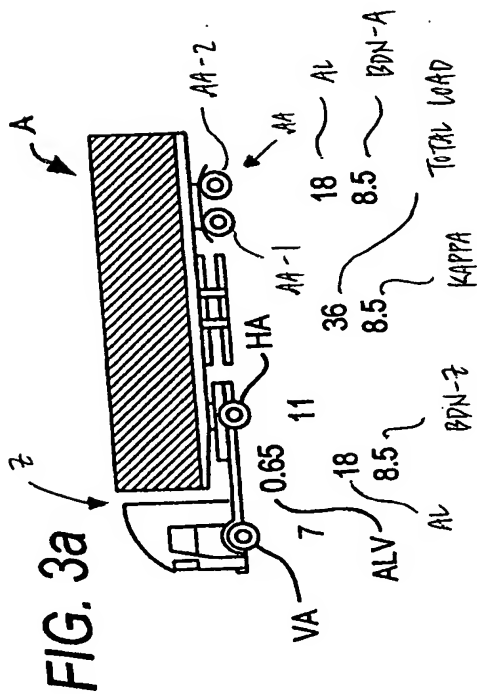


~~New~~
~~Figure~~
~~Added~~

FIG. 1c

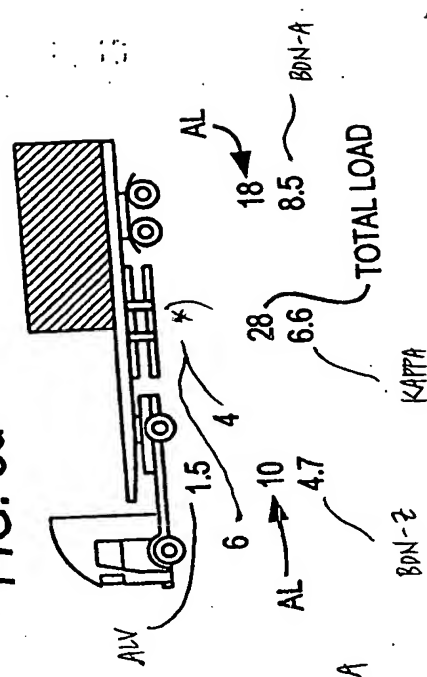
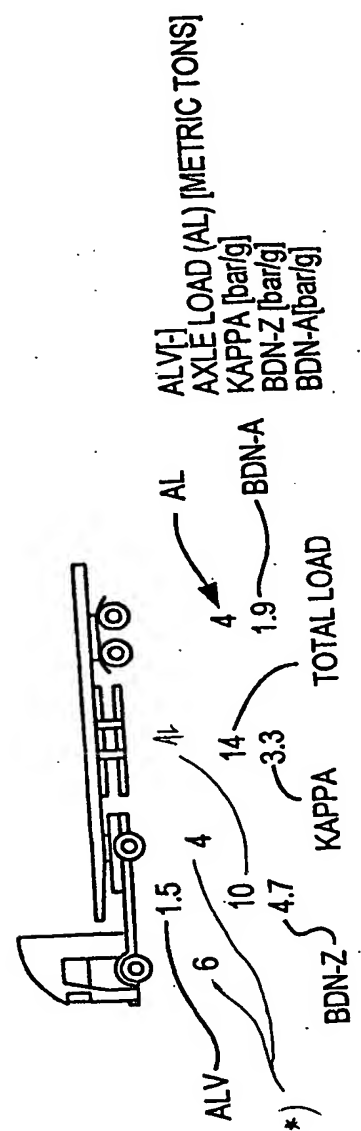
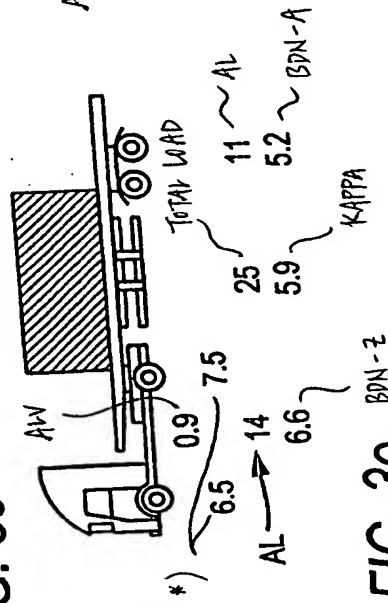


NEW SHEET



**SUM OF THE
INDIVIDUAL
AXLE LOADS**

***) INDIVIDUAL AXLE LOAD**



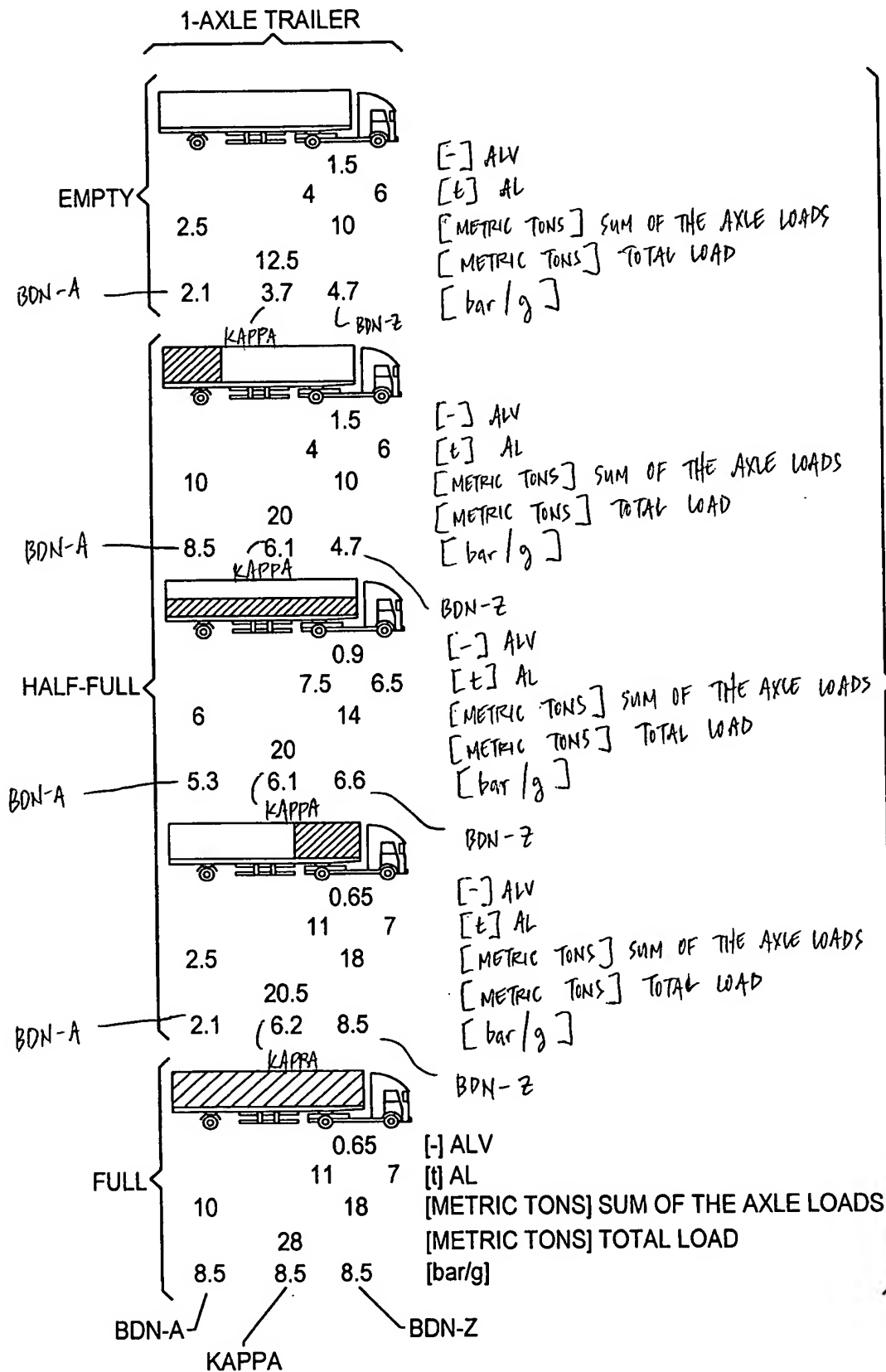


FIG. 4a

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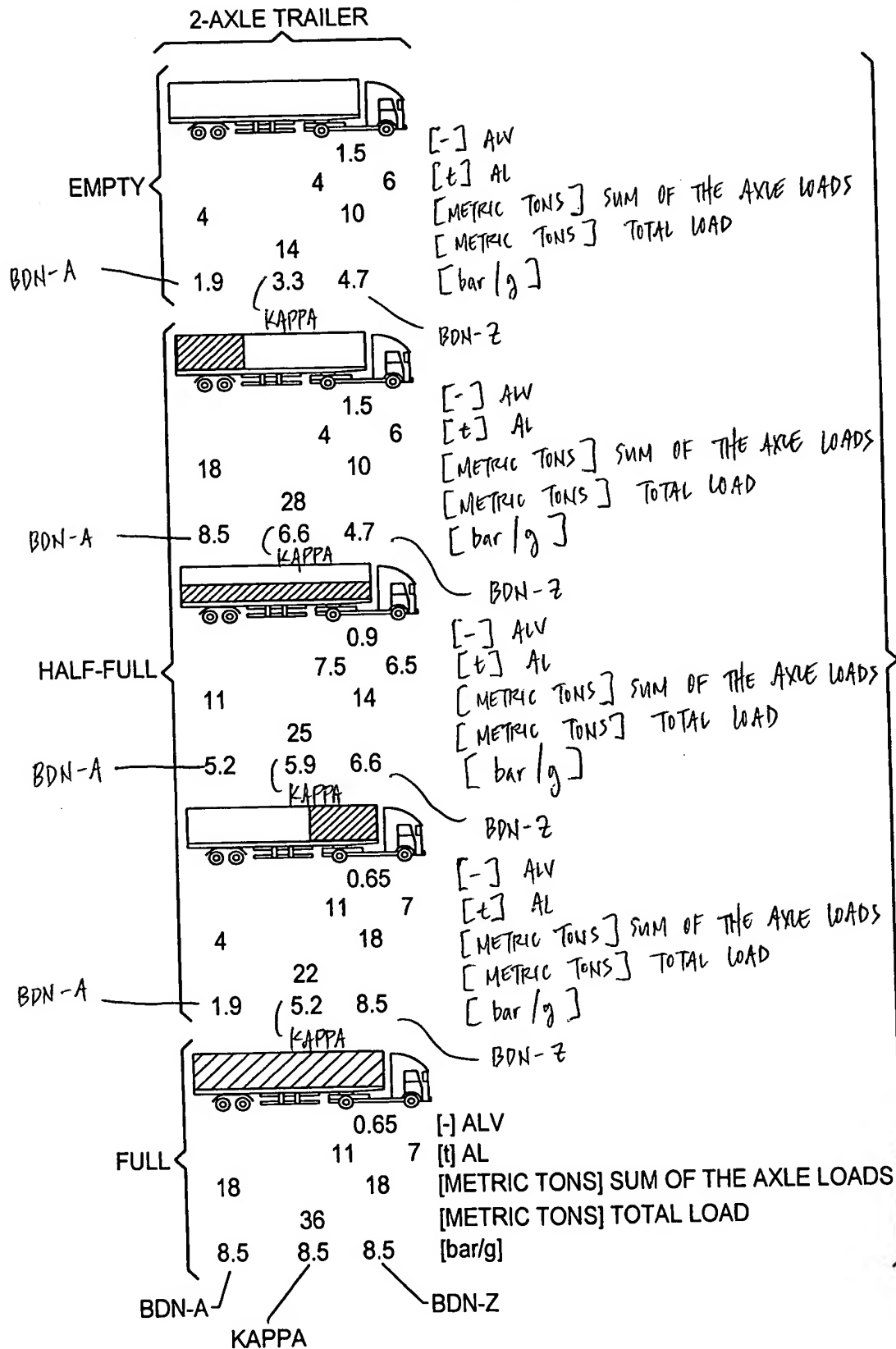


FIG. 4b

10 / 16

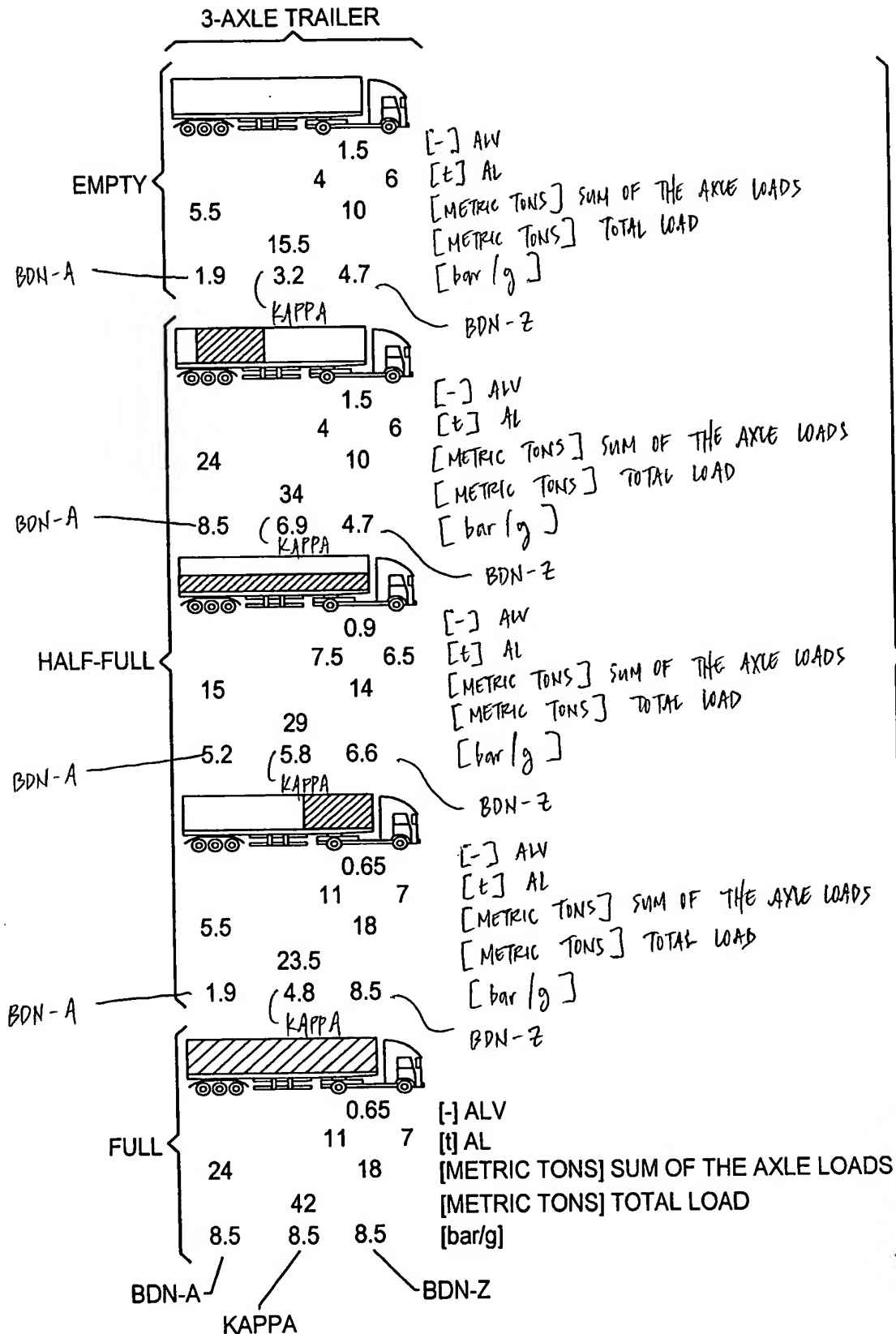


FIG. 4c

FIG. 5a

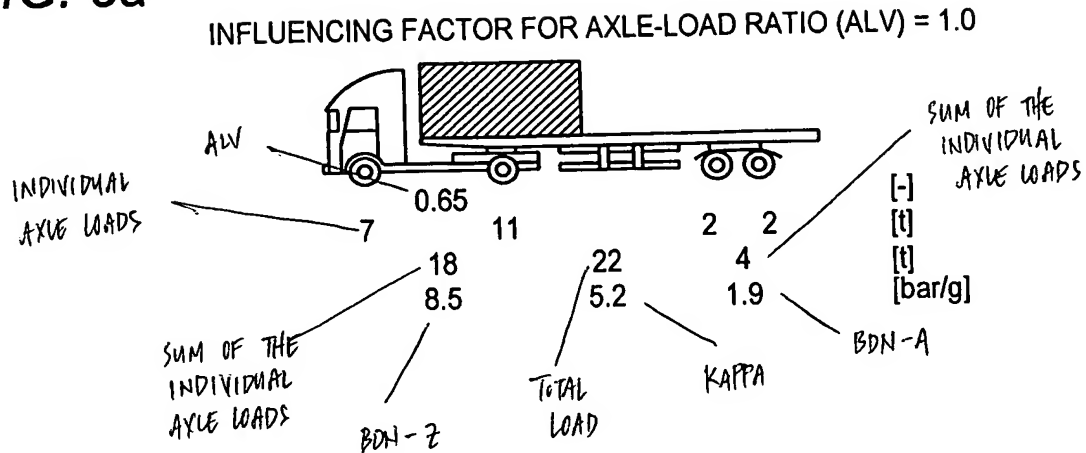


FIG. 5b

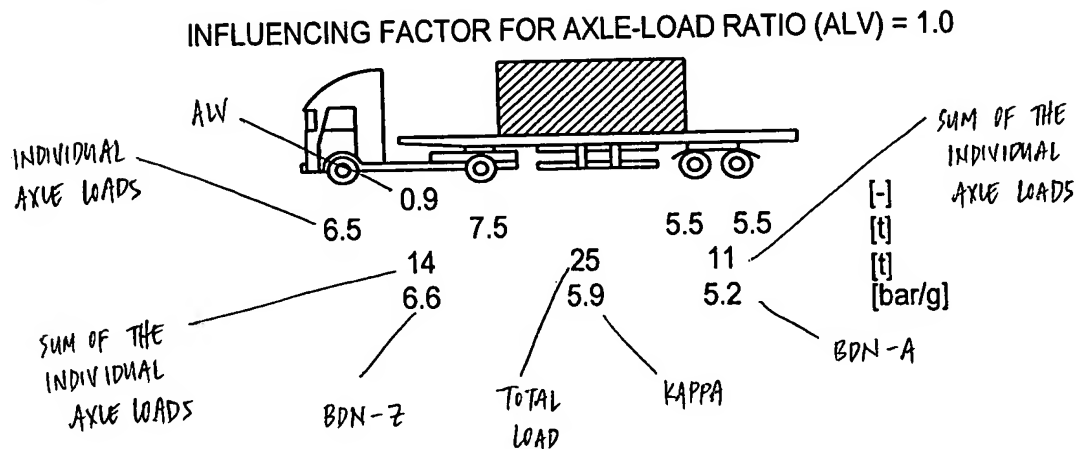


FIG. 5c

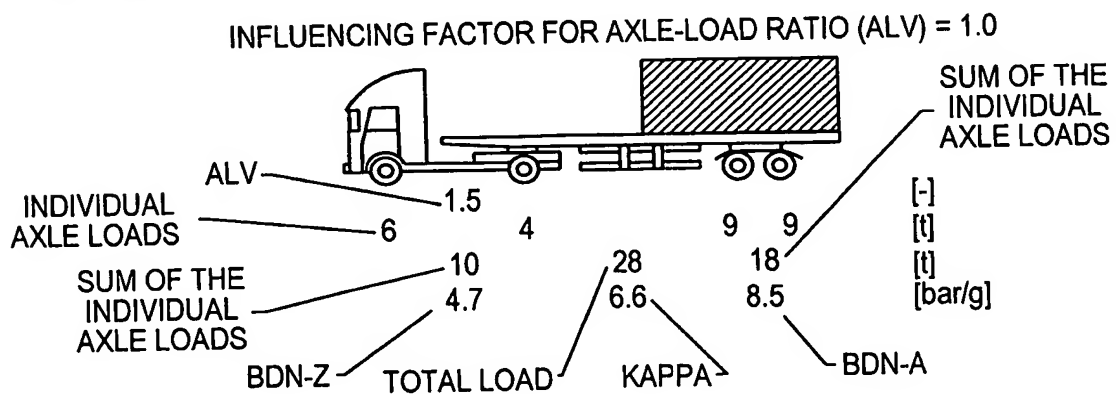


FIG. 5d

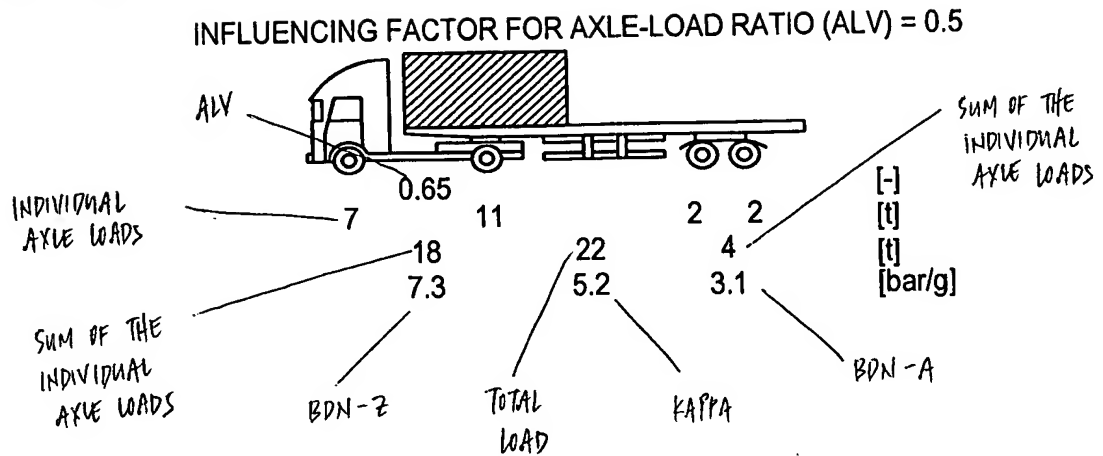


FIG. 5e

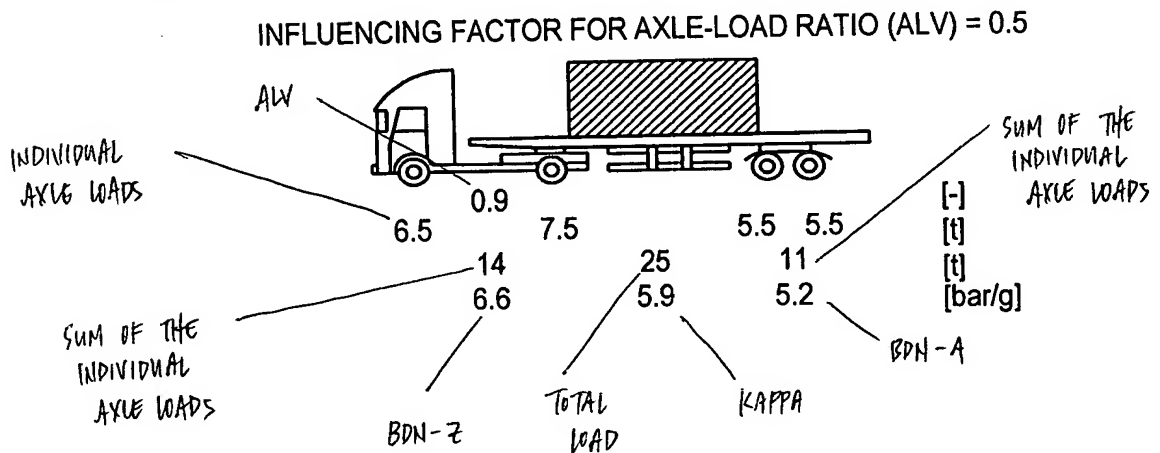


FIG. 5f

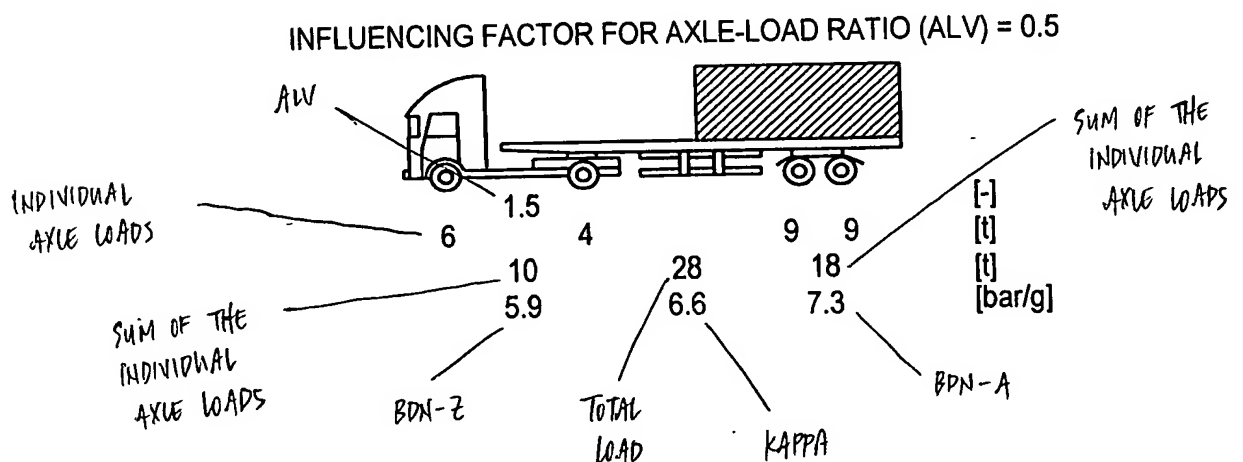


FIG. 5g

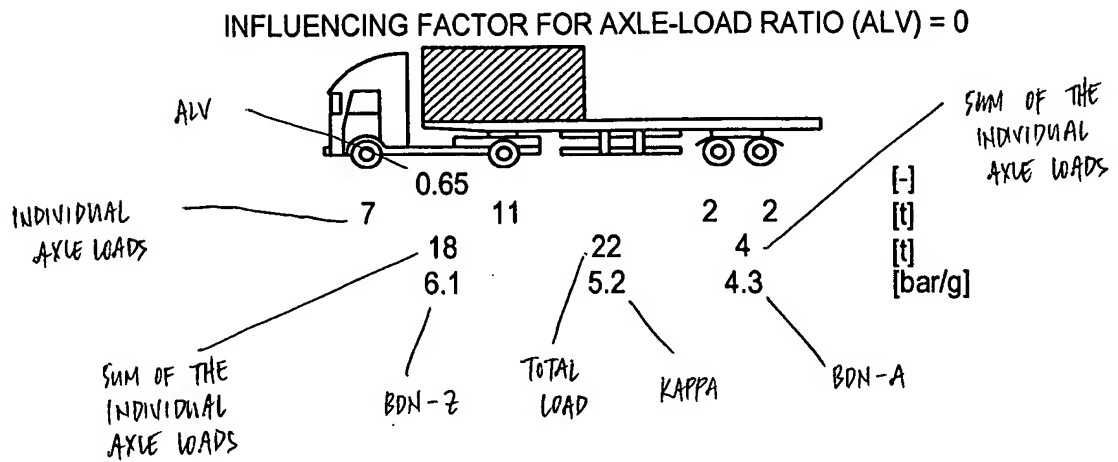


FIG. 5h

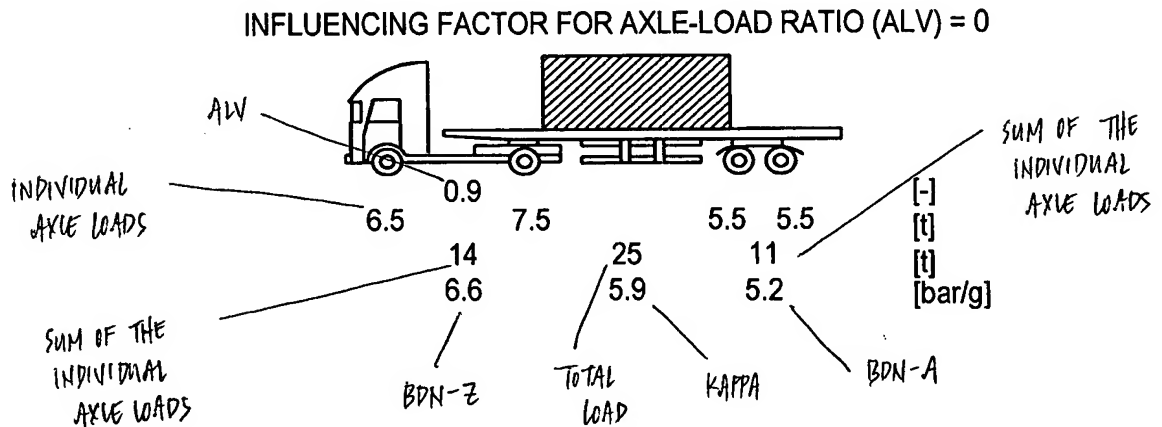


FIG. 5i

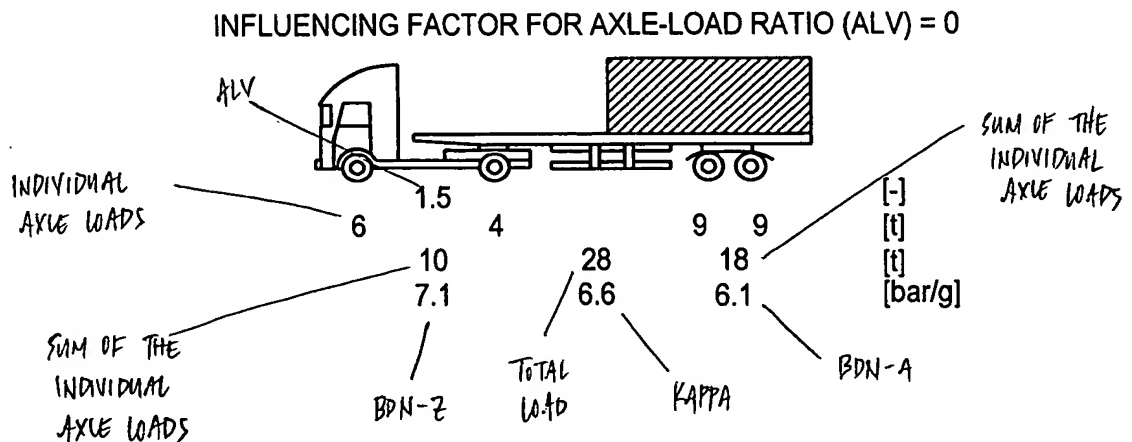
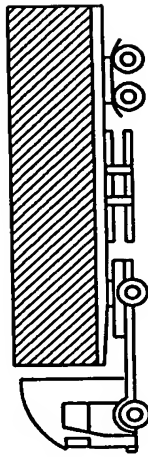


FIG. 7b

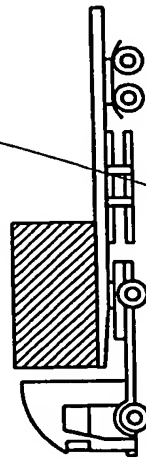


AXLE LOADS (INDIVIDUAL AXLES) (AL)
SUM OF THE AXLE LOADS (OF THE VEHICLES (VEHICLE COMBINATION))
BDN-TRACTOR, KAPPA, BDN-TRAILOR

7 11 9 9
18 36 18
8.5 8.5 8.5
[bar/g]

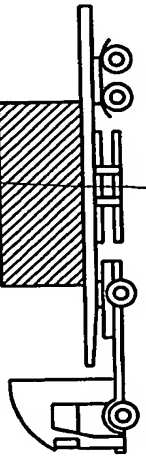
SUM OF THE AXLE LOADS
OF THE VEHICLE COMBINATION (TOTAL LOAD)

FIG. 7a



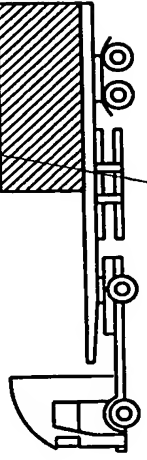
7 11 2 2 2 2
18 22 4 4 4 4
6.1 5.2 4.3 4.3 4.3 4.3
[bar/g]

FIG. 7c



6.5 7.5 5.5 5.5
14 25 11 11
6.6 5.9 5.2 5.2
[bar/g]

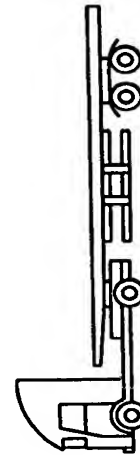
FIG. 7e



6 4 9 9
10 28 18 18
7.1 6.6 6.1 6.1
[bar/g]

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SUM OF THE AXLE LOADS
OF THE VEHICLE COMBINATION (TOTAL LOAD)



6 4 2 2
10 14 4 4
4.7 3.3 1.9 1.9
[bar/g]

AXLE LOADS (INDIVIDUAL AXLES) (AL)
SUM OF THE AXLE LOADS (OF THE VEHICLES (VEHICLE COMBINATION))
BDN-TRACTOR, KAPPA, BDN-TRAILOR

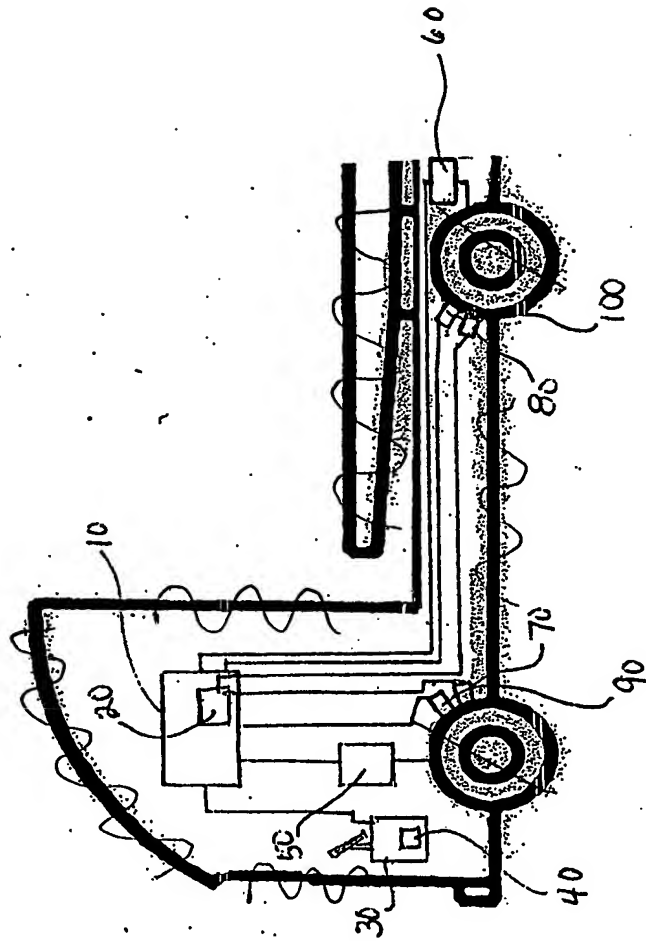


FIG. 9

PRIOR ART

NEW SHEET

~~New~~

~~Figure~~

~~Added~~